

Serial No.: 08/123,456  
Group Art Unit No.: 1201

REMARKS

This reply is intended to distinctly and specifically point out presumed errors in the Examiner's Action, to respond to every ground of objection and rejection, and to advance this case to allowance.

Please enter the foregoing amendments into the record.

Claims 18, 19, 22 and 27 are pending.

Claim 19 stands rejected under 35 USC §112 ¶2, on the basis that the compound excluded in claim 18 is recited as the last compound in claim 19. Applicants respectfully point out that the compound excluded in claim 18 has a diethylaminoethyl group, i.e., 1-(N-(2-(diethylamino)ethyl)-N-, while the last compound in claim 19 has the mono-ethylaminoethyl analog, i.e., a 1-(N-(2-(ethylamino)ethyl)-N- group. Accordingly, claim 19 does not appear to create an issue of indefiniteness.

Applicants note that claims 18, 19, 22 and 27 comprise allowable subject matter, but that a terminal disclaimer of the judicially created doctrine of obviousness-type double patenting is an issue in light of US patent 6,649,619. Applicants have executed and transmit herewith a terminal disclaimer over that '619 patent.

Conclusion

In view of the above remarks, and the terminal disclaimer applicants believe the application is in condition for allowance, which is requested. Should the Examiner have any questions or wish to discuss any aspect of this case, the Examiner is encouraged to call the undersigned agent at the number below.

Respectfully submitted,

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